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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,520	02/12/2004	Michiaki Takizawa	0994-0232P	4122
2292	7590	03/13/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				LIANG, REGINA
ART UNIT		PAPER NUMBER		
		2674		

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,520	TAKIZAWA ET AL.	
	Examiner	Art Unit	
	Regina Liang	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,720,952. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-7 of this application are broader version of claims 1-7 of U.S. Patent No. 6,720,952.

The following is an example for comparing claim 1 of this application and claim 1 of U.S. Patent No. 6,720,952.

Claim 1 of this application	Claim 1 of U.S. Patent No. 6,720,952
An apparatus comprising: a molding machine; and an input device for inputting data into said	An apparatus comprising: a molding machine; and an input device for inputting data into said

molding machine, said input device including an electronic display screen defined within a first area;	molding machine, said input device including an electronic display screen defined within a first area; a support plate arranged adjacent to said electronic display screen;
a touch input panel having a sensing region responsive to a touch of a human finger, said sensing region being defined within a second area, said second area overlapping said first area and being larger than said first area, and a portion of said second area which does not overlie said first area being defined as a panel extension portion and overlaying indicia, indicating functions of a plurality of input keys.	indicia, indicating functions of a plurality of input keys, printed on said support plate ; and a touch input panel having a sensing region responsive to a touch of a human finger, said sensing region being defined within a second area, said second area overlaying said first area and being larger than said first area, and a portion of said second area which does not overlay said first area being defined as a panel extension portion and overlaying said indicia printed on said support plate .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figs. 5, 6, and paragraphs [003]-[007]) in view of Deeran et al (US. PAT. NO. 5,594,471 hereinafter Deeran).

As to claim 1, Applicant's admitted prior art describes an apparatus comprising an injection molding machine and an input device. The input device is described in paragraph [005], to comprise a touch sensing region for inputting data overlaying a display device. The paragraph [006] teaches that many inputs are required for injection molding machines and that these require the addition of a separate switch panel. This switch panel is disclosed in the same paragraph to comprise a ten-key numeric input, cursor movement keys, and a plurality of function keys. As shown in Figs. 5 and 6 of the admitted prior art, the input device (50) including an electronic display screen (51) defined within a first area (51v), a touch input panel having a sensing region being defined within a second area (52). The Applicant's admitted prior art does not teach that the touch panel having a panel extension portion could be provided to replace the separate switch panel.

Fig. 1 of Deeran teaches an industrial input device that comprises a display screen (16) with touch screen (12) overlaying the display. The touch screen is disclosed in column 5, lines 51-54, to be responsive to a finger. It is disclosed in column 3, lines 23-32 that the touch screen is larger than the display area and defines a panel extension portion (18). Indicia (15) indicating the function of keys in the panel extension are taught in column 3, lines 36-41. Template (15) is provided with markings and attached to touch screen (12) with gasket (19). Figure 1 discloses

that a ten-key numeric input, cursor movement keys, and a plurality of function keys may be provided in the panel extension region.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the separate switch panel taught by the admitted prior art with the panel extension portion taught by Deeran in order to eliminate the cost associated with producing a separate switch panel.

As to claim 2, Applicant's admitted prior art teaches the molding machine is an injection molding machine [003].

As to claim 3, Fig. 6 of the admitted prior art teaches the touch panel (52) includes input keys (53) for operating parameters of the injection molding machine.

As to claims 4-7, Fig. 6 of the admitted prior art teaches the plurality of input keys includes a ten key numeric input (54), a cursor movement input (56) and a plurality of function keys (55).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

3/3/06